



POWELL CORDEROY SCHOOL

ATTENDANCE MANAGEMENT POLICY

Last reviewed: November 2016

Due for review: November 2017

Owner: Headteacher

Reviewed by: Full Governing Body

Review Status: Annual

1. Introduction and Purpose of Procedure

The purpose of this procedure is to encourage and support employees to achieve and maintain a high level of attendance at work, to promote a healthy workforce and to assist line managers in their role by providing a clear and consistent framework for managing unsatisfactory attendance.

This procedure is applicable to the management of both short and long-term sickness absence of all members of staff employed at the school with the exception of employees serving a probationary/induction period. Employees on temporary or fixed-term contracts will be subject to this procedure with adjustments made, where appropriate, to reflect the likely duration of the contract.

This procedure does not cover conditions or entitlements in relation to sick pay. Such payments will be made in accordance with the relevant conditions of service for teachers and support staff.

The Governing Body is mindful of its obligations under the Equality Act 2010 and acknowledges that its obligation to consider reasonable adjustments for employees with a disability may occasionally result in the different treatment of certain individuals in the interests of removing a significant disadvantage.

2. Policy Statement

The Governing Body recognises that managing sickness absence can be a sensitive matter and at all times aims to give due consideration to the welfare of staff, the needs of the school and the impact that absence has on the effective education of pupils.

In particular, the Governing Body is committed to:

- Ensuring that the procedure is conducted in a constructive and non-discriminatory manner, taking account of individual circumstances and respecting confidentiality;
- Recording and monitoring absence effectively, in order to assist employees to improve attendance;
- Exploring the reasons for sickness absence to understand any underlying issues relating to absence;
- Identifying and seeking to address work-related causes of sickness absence;
- Promoting the physical and mental well-being of staff;
- Dealing robustly with any identified abuses of the sickness absence system.

3. Roles and Responsibilities

- The Governing Body is responsible for the overall monitoring of the effectiveness of this procedure.
- The Chair of Governors will be responsible for monitoring the absence levels of the Headteacher and will act as the line manager in relation to the management of the Headteacher's absence in accordance with this procedure.
- The Headteacher is responsible for ensuring that those with line management responsibilities are suitably skilled to manage sickness absence and have received appropriate training. The Headteacher will also fulfil the responsibilities of the line manager in respect of certain individuals.
- All line managers (including the Headteacher) are responsible for ensuring that members of staff are familiar with the expectations placed upon them in relation to their attendance at work, for monitoring absence, ensuring that consistent reporting is in place and conducting informal and formal meetings with individuals in accordance with the various stages outlined within the procedure. References in this procedure to actions taken by the line manager are intended to refer either to the Headteacher or the line manager acting in consultation with the Headteacher.
- All employees are expected to comply with reporting and certification procedures outlined in this procedure (or as otherwise notified to them) and to take responsibility for maintaining general health and fitness in order to sustain a high level of attendance.

4. Reporting Sickness Absence

As a general rule, an employee who is unable to attend work because of sickness or injury should, where possible, report this to the school as soon as he/she becomes aware of the inability to attend work, and in any event by no later than 8:00am on the first day of absence. Employees must attempt to speak in person to the headteacher; if it is necessary to leave a message on the school office answer phone, contact details should be left to enable the headteacher to make a return call. Employees should not rely on text messages or mobile answerphone messages.

Alternative notification procedures may apply to different parts of the school workforce, in which case employees should act in accordance with the procedure otherwise notified to them.

Reporting should include the reason for absence and the likely duration, as well as any necessary briefing on work commitments so that appropriate arrangements for cover can be made. The employee may ask to discuss the medical reasons for absence with another person, such as a different line manager or occupational health adviser, where he/she views the information as particularly sensitive.

If absence continues for longer than initially anticipated, the employee is expected to regularly update the school in the same way, confirming the likely duration of absence.

Employees who become unwell during the course of the working day should ensure that a member of the senior leadership team has been notified before leaving work early. Any accident or incident at work must be reported as soon as possible in accordance with the school's health and safety procedures so that it can be appropriately recorded and any required action taken at an early stage.

All absences, including part days, should be notified and recorded.

5. Certification Requirements

Absences of less than one calendar week must be supported by a self-certificate form completed upon return to work (Appendix 2, Part A).

Absences of more than one calendar week (i.e. from the eighth calendar day) must be supported by medical evidence from a registered medical practitioner, usually in the form of a fit note from the employee's doctor, which must be submitted as soon as possible to the line manager. Additional fit notes must be submitted thereafter as necessary to ensure that the whole period of absence is covered, including any intervening school closure periods. Any period of absence caused by sickness or injury which is not covered by an acceptable medical certificate may be treated as unauthorised and therefore unpaid. Unauthorised absence may also be treated as a disciplinary matter.

In exceptional circumstances, employees may be required to provide a fit note from a doctor for periods of absence of less than one week. In such cases, the cost of providing such a certificate will be paid by the school.

The decision regarding what medical evidence is acceptable in individual cases rests with the school although a doctor's fit note will usually be deemed acceptable evidence of incapacity. In exceptional circumstances, and with compelling evidence to do so, the school reserves the right to reject a particular piece of evidence and require the individual to provide an alternative.

6. Return to Work Discussions

All line managers have a responsibility, with appropriate training, to conduct return to work discussions following every period of absence (including part days) to ensure that the employee is well enough to be back at work, to support his/her return and ensure he/she is updated on work matters. After a short period of absence (generally less than one working week) a brief private enquiry will usually be sufficient.

For longer periods, or otherwise where there is concern about the nature or frequency of the absence, a more structured discussion will be appropriate. This discussion will be recorded on a return to work form, a copy of which should be given to the employee (Appendix 1 and 2). The line manager is responsible for ensuring that he/she has all relevant information to hand, such as risk assessments and/or occupational health reports.

Return to work discussions are informal in nature but will be documented, as noted above. If there are grounds to believe that formal action is required under this - or any alternative - procedure, the individual should be informed of this and arrangements made to hold a formal meeting. The line manager will discuss and consider reasonable adjustments to assist the employee to return to work where this is appropriate.

7. Occupational Health Referrals

The involvement of the school's occupational health ('OH') provider in individual cases can be crucial to understanding the impact of a medical condition upon an individual's ability to perform their normal duties and to support an employee's return to work; it is in the best interests of both the school and the employee. Referrals to OH will be made at the line manager's discretion, involving the individual and informed by the following criteria:

- Where the absence appears to be related to stress, anxiety or depression;
- Where the absence has lasted (or is likely to last) for at least four weeks;

- Where an employee has been absent on a frequent, short-term basis (a useful indicator would be when the trigger point, defined in section 8 below, has been reached);
- Where discussions with the employee indicate that the employee's health may be having an impact on his/her ability to carry out the job;
- Where ill health follows an accident that has either caused, or is likely to cause, a significant absence from work or otherwise impact on work or attendance;
- Where the individual may be suffering from an industrial or occupational disease or condition, or where there has been an injury at work, physical or non-physical;
- Where it is suspected that the employee has a notifiable disease;
- When the absence appears to have been triggered by the instigation of other procedures (such as the disciplinary and capability procedure).

The contents of the referral form and the subsequent report must be shared with the employee, preferably face-to-face where circumstances permit. In considering the referral, OH may wish to obtain a report from the employee's own doctor(s) but will obtain the employee's written consent before doing so. In the event of a refusal, decisions about the employee's future employment will be made on the basis of the information available at the time.

8. Managing Short-Term Absence

Definitions	
A day's absence	A day's absence refers to a standard working day for the individual concerned (and the equivalent half day, multiple days etc)
Short-term absence	'Short-term absence' is intended to refer to absences which typically last for between one day and up to one calendar week and which are sporadic and attributable to minor ailments, often unrelated.
Trigger Point	<p>The trigger point represents the stage at which referral to the formal procedure will usually be considered. This is:</p> <ul style="list-style-type: none"> · Three separate occasions, irrespective of length, during a 6-month period; or · A total of ten days' absence in a 6-month period (over two or more occasions); or · Where there are concerns about an employee's absences, such as the level or pattern.

Genuine short-term absences which occur over a limited period of time are usually best managed through discussion with the individual at return-to-work interviews, which may include consideration of advice from occupational health.

Where, however genuine, the number and/or frequency of absences becomes detrimental to the normal operation of the school, formal action will proceed under the procedure described in section 9. The point at which referral to the formal procedure is made is at the

discretion of the relevant line manager, however it will usually be prompted by absences that reach the trigger point (defined above). Should attendance levels still fail to improve, termination of the contract will ultimately become an option: this is considered a final resort having given the employee reasonable opportunities to increase their attendance to a satisfactory level, taking account of the individual circumstances and with the provision of additional support where appropriate.

9. Formal Procedure

9.1 Stage One Meeting - First Formal Discussion (Short-Term Absence)

Where the line manager or Headteacher determines that the employee's attendance levels need to be reviewed on a formal basis (usually when the trigger point, defined in section 8, has been reached), he/she will arrange a formal meeting, giving at least 5 working days' notice in writing to the employee. The employee has the right to be accompanied at this meeting, and any subsequent formal meetings, by a work colleague or trade union representative and should be provided with a copy of the procedure in order to understand the context of the meeting.

At the formal meeting under Stage One, the line manager or Headteacher will:

- Outline the employee's absence record and the outcome of any OH referral(s) made;
- Invite the employee and/or his/her companion to clarify any factual matters, explain his/her attendance levels and to question or comment on the information presented;
- Seek to identify whether there are any relevant personal, domestic or work circumstances that have impacted on his/her attendance;
- Encourage the employee, if appropriate, to seek medical advice;
- Discuss, if appropriate, changes in working arrangements;
- Discuss the implications of the absence for the school;
- Consider whether there is any further support the school may reasonably be able to give to the individual;
- Explain that attendance will be closely monitored and discuss what is considered to be an acceptable level of attendance;
- Explain the consequences of a failure to improve attendance levels and confirm the date of the next review meeting.

The meeting will be adjourned if new facts come to light which the manager decides to refer for further investigation.

After the meeting, the manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- No formal action: this may be applicable where the concerns about the employee's attendance are determined to be unfounded or where informal reviews are deemed to be a more appropriate response;
- First written warning: this will be issued where a specified improvement is required in attendance levels.

The Headteacher or manager will also determine whether any other action is appropriate, such as whether a private medical certificate will be required (at the school's cost) for any further periods of absence during the review period.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. He/she will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

Stage Two of the procedure will not be instigated unless and until a formal warning has been issued under Stage One and therefore more than one formal meeting may be held under Stage One if appropriate to the circumstances.

9.2 Interim Reviews

The monitoring of attendance is an ongoing process for all members of staff, irrespective of whether or not there are particular concerns. Employees whose attendance is being monitored as part of the formal stage of the process will have return to work discussions conducted as normal in respect of any further periods of absence, and it may also be appropriate to hold informal progress review meetings.

Where it becomes apparent that acceptable progress is not being made, the member of staff will be invited to another formal meeting in accordance with the next stage of the procedure. There is no set time period after which another formal meeting will be convened in such circumstances as this will depend on the nature, frequency and any patterns of absence as well as the impact the absence is having on the school.

9.3 Stage Two Meeting - Second Formal Discussion (Short-Term Absence)

If, following the Stage One meeting the required level of attendance has not been achieved, another formal meeting will be convened, giving the employee at least 5 working days' notice in writing.

The meeting will usually be conducted by the same person (Headteacher or manager) responsible for conducting the formal meeting(s) held under Stage One of the procedure and the substance of the meeting will be similar, whilst recognising the increased level of concern and the implications for the employee of a failure to improve.

After the meeting, the Headteacher or manager will review the evidence and discussion which took place and decide what appropriate course of action to take from the following options:

- **No formal action:** this may be applicable where there has been sufficient improvement in attendance that informal reviews are now deemed to be a more appropriate response or where an underlying medical condition has been identified and an alternative management route becomes more appropriate;

- Final written warning: this will be appropriate where concerns about the employee's level of attendance remain, in spite of any support provided.

The employee will be notified of the decision as soon as possible following the meeting and, in any event, in writing within 5 working days. He/she will be informed, either at the same time or as soon as possible thereafter, of expectations in relation to attendance and dates of any review meetings, as well as any other actions required. The letter to the employee will also confirm the period during which any written warning issued will remain live (see also 'Warnings', section 12.4) and the employee's right to appeal the decision in writing within 5 working days of receipt. The appeal may be heard by the Headteacher, if he/she was not involved in the initial decision, otherwise it will be directed to the Clerk to the Governing Body who will convene a governors' hearing for the purpose (see also 'Appeals', section 10).

More than one formal meeting may be held under Stage Two of the procedure if a final written warning was not issued at the initial Stage Two meeting.

9.4 Stage Three Meeting (Short-Term or Long-Term Absence)

If, following the Stage Two meeting the required level of attendance has not been achieved or, in cases of long-term absence, where the manager has referred the matter for consideration at Stage Three (see section 11), the Clerk to the Governing Body will convene a governors' hearing, providing at least 10 working days' notice in writing to the employee.

An officer of the authority (and a diocesan representative, as appropriate) will be invited to attend any proceedings in community or voluntary controlled schools where a possible outcome is dismissal and, if accorded advisory rights, in foundation and voluntary aided schools. The School's Personnel Consultant will advise on this.

The meeting may be adjourned if, in the view of the chairperson of the hearing, the meeting cannot continue until new evidence is investigated.

As with all formal meetings held in accordance with the procedure, the employee will be entitled to be accompanied by a trade union representative or workplace colleague and will have the opportunity to challenge evidence and state his/her case.

After the meeting, the governor(s) will consider all the evidence presented to them and reach a decision. As part of the decision-making process the governor(s) will determine whether the concerns about the individual's attendance levels are justified (or, in the case of long-term absence, whether it is reasonable to consider dismissal at this stage) and, if so, what outcome is most appropriate in all the circumstances of the case.

Where dismissal is being considered, the governor(s) will first discount options which could be put forward as an alternative to dismissal where these have not already been considered and reasonably rejected, such as temporary or permanent redeployment, ill-health retirement or reasonable adjustments for an employee with a disability.

The employee will be notified of the decision as soon as possible and, in any event, in writing within 5 working days. The letter will include confirmation of the governor(s) conclusions and what, if any, formal action is being taken.

In cases of persistent short-term absence where the outcome is not dismissal but where there are still concerns, the letter will outline what actions and improvements are needed to obviate the need for a further formal meeting. The letter to the employee will also

confirm the employee's right to appeal the decision in writing within 5 working days of receipt. An appeal against a decision made by governors will be referred to the Clerk to the Governing Body who will convene a hearing by different governors, uninvolved in the previous decision (see also 'Appeals', section 10).

Following a decision to dismiss in a foundation or voluntary aided school, the school will issue notice of termination in accordance with the employee's contractual or statutory notice period (whichever is greater). In community schools and voluntary controlled schools the decision to dismiss will be communicated to the local authority which, as the employer of staff, will issue confirmation of the termination of employment within 14 days of notification. As a general rule, the employee will not be expected to attend work during the notice period irrespective of his/her current health position.

10. Appeals

There shall be a right of appeal against any decision to impose a written warning or other formal sanction as a result of action taken by the employee's manager, the Headteacher or by governors. In exercising this right, the employee must confirm the grounds on which he/she is making the appeal.

Appeals against warnings issued during Stage One or Stage Two will be heard by the Headteacher or one or more governors, in accordance with the scheme of delegation in place and bearing in mind the need to secure impartiality at every stage of the process. No person will hear an appeal against his/her own decision. Appeals against dismissal, or against formal warnings or sanctions determined by governors, will always be heard by one or more governors with delegated powers. References to the Appeals Panel hereafter may therefore be interpreted accordingly, although the 'panel' could in some cases consist of one person.

An officer of the authority (and a diocesan representative, as appropriate) will be invited to attend an appeal hearing against a decision to dismiss in a community or voluntary controlled school and, if accorded advisory rights, in foundation and voluntary aided schools. The School's Personnel Consultant will advise on this.

The appeal hearing will be arranged to take place as soon as is reasonably practicable, allowing the employee at least 5 working days' notice of the date (or 10 working days where the appeal is against a dismissal decision).

The purpose of the meeting is for the Appeals Panel to consider the grounds for appeal and to review the fairness of the outcome of the original meeting. New evidence may be considered at the appeals stage but no additional grounds for action against the employee may be introduced.

Within 5 working days of the appeal hearing taking place, the employee will be notified in writing of the outcome and any actions which have been determined. There is no further right of appeal.

In community and voluntary controlled schools the local authority is responsible for confirming the termination of contract with the employee. The local authority must, therefore, be kept informed about the outcomes of appeals against dismissal. The school's Personnel Consultant will advise on this.

If a dismissed employee is reinstated on appeal, his/her salary will be back-paid to the date of the original termination, minus any monies already paid in respect of notice.

11. Managing Long-Term Absence

Definitions	
Long-term absence	Long-term absence is intended to refer to absences that have lasted, or are expected to last, for a period of at least 4 weeks.

Long-term absence will occur for different reasons and is therefore best managed according to the individual circumstances of the case. The key principle in managing long-term absence is ensuring that a balance is struck between the needs of the employee and the needs of the school.

Where it becomes apparent that absence is likely to be long term, an appropriate strategy should be put in place to ensure that the individual does not become isolated from work and that timely OH advice is received about the prognosis. Maintaining regular contact is essential although managers are expected to act considerately to avoid the employee feeling that he/she is being put under undue pressure. Where possible, the mechanism and regularity of contact will be agreed with the individual or his/her nominated representative. Where the employee is a member of a union, he/she may also wish to involve his/her union representative as a source of support and as a means of facilitating communication.

OH advice should be sought as soon as it becomes likely that the absence will be long term and periodically thereafter as necessary to support the employee's return to work, which will often include consideration of a phased return. Where OH advice indicates that there is no realistic prospect of a return to normal duties within the reasonably foreseeable future, consideration will be given to whether temporary or permanent redeployment might impact positively on the employee's ability to return to work. Where this is not possible, ill-health retirement or dismissal on the grounds of capability will ultimately be considered. These options are explained in more detail as follows:

Options for Managing Long Term Absence	
Phased Return	After a period of long-term absence, the employee's doctor and/or OH will often recommend a phased return programme to support the employee's return to full duties. Whilst the duration and nature of a phased return will depend on the individual circumstances, it is expected that, in general, this will not exceed a period of six weeks. Changes to an employee's working hours, pattern or duties on a longer term basis will be considered as a temporary redeployment (see below). Where a phased return can be supported by the school, the employee will remain on (or return to) full pay.
Temporary Redeployment or Adjustments	Where the employee is deemed currently unfit to carry out the full duties of his/her post but could be temporarily redeployed to alternative work (or adjustments made to the role or working hours on a temporary basis), the

	<p>school will consider what options might be realistic and reasonable, taking into account the advice of OH and the employee's doctor(s). Unless such arrangements are short term and therefore being treated as a phased return (see above), the ramifications in relation to salary, pension and any other affected terms and conditions, must be explained to the member of staff and confirmed in writing. Where temporary redeployment cannot be facilitated, the employee will remain on sick leave until he/she is either fit to return to normal duties or whilst the remaining options are considered.</p>
<p>Permanent Redeployment or Adjustments</p>	<p>Where the employee is deemed permanently incapable of carrying out the duties of his/her current post but may be fit to return to work in another capacity (or permanent adjustments could be made to the role or working hours), the school will consider what posts or adjustments might be available and suitable, taking into account the advice of OH and the employee's doctor(s).</p> <p>The likelihood of a successful redeployment will depend on a number of factors, including the employee's skills, abilities and flexibility over hours and work location. Each situation will be treated individually according to the circumstances. The employee will remain on sick leave pending consideration of the adjustments or redeployment options available. An employee permanently redeployed into another role will be appointed on the terms and conditions applicable to the new post.</p> <p>Sometimes the likelihood of suitable alternative posts arising is simply not a realistic prospect and the employee's expectations will be managed accordingly.</p>
<p>Ill-Health Retirement or Dismissal</p>	<p>Where the employee is deemed unfit to carry out the duties of his/her present post in the reasonably foreseeable future and redeployment has already been explored and failed to secure an alternative post, the matter will be referred for consideration at a Stage Three meeting in accordance with the procedure outlined in section 9.4.</p> <p>Retirement on the grounds of ill health may be an option to be investigated under certain conditions, as an alternative to dismissal (in the case of teachers, the application process for ill-health retirement is initiated by the individual).</p> <p>In determining the point at which it becomes appropriate to refer the matter to a Stage Three meeting, the manager will seek HR advice and further OH advice as necessary, and take into consideration the following factors:</p> <ul style="list-style-type: none"> · The length of absence to date and the prognosis for a return to work; · The nature of the illness and the medical advice obtained; · The 'Fitness to Teach' regulations, as appropriate to the role; · Whether the individual's absence is related to a disability; · The effect of the absence on the school; · What options, as alternatives to dismissal, have already been considered;

	<ul style="list-style-type: none"> · Any relevant personal circumstances pertaining to the individual that may be impacting on their attendance. <p>The employee should be given the opportunity to input into this consideration before a formal meeting is called. This may be a meeting in person, if circumstances permit, or via another agreed mechanism, such as communication via the employee’s union representative. The purpose of this exchange is to ensure that all relevant factors and options have been taken into account before a recommendation is made to terminate employment on the grounds of incapability through ill health.</p>
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12. Procedural Points and Specific Circumstances

12.1 Disability and Reasonable Adjustments

The Attendance Management Procedure applies to all employees, including those with a disability. Employees are, however, encouraged to inform the school if they have a disability, particularly where this may affect their ability to perform their current duties, in order that reasonable adjustments can be considered and discussed.

Attendance monitoring will distinguish between absences which are disability-related and those which are not, where this is known to the school.

Managers will seek HR and OH advice on reasonable adjustments to ensure that a disabled employee is not placed at a substantial disadvantage when compared with a person who is not disabled. Reasonable adjustments may include adjustments to the operation of the procedure where this is appropriate in the individual circumstances of the case.

Disability is a protected characteristic under the Equality Act 2010. To come within the definition of disability, the employee must have an impairment which has a substantial and long-term adverse effect on the employee’s ability to carry out normal day-to-day activities. The impairment may be either physical or mental, meaning that conditions such as depression will be covered provided the effect of the condition on the individual meets the overall definition.

12.2 Pregnancy-Related Absences

Sickness absence which is pregnancy-related will be recorded in the normal way and will count against sickness entitlement but will be disregarded for the purposes of the trigger point for short term absence. An OH referral will usually also be appropriate if such absences become frequent or otherwise where advice to management on suitable workplace adjustments would be beneficial.

12.3 Terminal Illness

The Governing Body recognises that cases of terminal illness must be handled with compassion and sensitivity, respecting the employee’s dignity and privacy. The employee and his/her nominated representative will be given a senior-level contact within the school who can act as a conduit for relevant communications and ensure that any issues are dealt with promptly and efficiently.

The school will seek HR/pension advice on the options available regarding pension entitlement, death in service benefits and benefits for partners and dependents.

Governors may give consideration to the extension of sick pay entitlement to alleviate financial worries.

12.4 Warnings

The period during which a warning issued under the Attendance Management Procedure will remain 'live' for the purposes of this procedure is not definitive and may be varied according to the circumstances of the case. As a general rule, written warnings will remain live for a period of 12 months after which point they will be disregarded. A longer warning period may be appropriate in certain cases, for example where there has been a history of variable attendance or where a longer warning period was determined as an alternative to dismissal. The Headteacher may exercise discretion to disregard the warning prior to its documented expiry date in circumstances where the employee has reached and maintained an acceptable level of attendance, confirming this in writing to the employee.

12.5 Confidentiality

The Headteacher, governors and any other manager involved with the operation of this procedure will ensure that any information relating to concerns about an employee's attendance are disclosed only to those who have a direct involvement in dealing with, or advising on, those concerns, emphasising the need for strict confidentiality.

Medical information can be particularly sensitive and, whilst it is essential for the school to have appropriate information about the nature of an employee's ill health in order to manage his/her absence accordingly, this will be balanced against an employee's desire for privacy over such matters. Where the employee is reluctant to discuss medical information that he/she views as sensitive with his/her line manager, the employee may ask to speak to an alternative manager or an OH adviser instead.

12.6 Relationship with Disciplinary and Capability Procedure

The formal procedure outlined within section 9 is intended to broadly replicate the stages and outcomes of the Disciplinary and Capability Procedure whilst at the same time recognising that genuine absences are not best managed as a disciplinary matter. The Disciplinary and Capability Procedure may, however, be referred to on points of procedure not otherwise dealt with explicitly in this document.

On occasion, an employee may not be meeting the required standards of work either in terms of his/her attendance or his/her conduct/performance. In such cases, unsatisfactory attendance may be considered alongside conduct or performance issues in a joint formal meeting to avoid the complexity of instigating parallel procedures with similar stages and potential outcomes.

APPENDIX 1: Return to work discussion guidance

Purpose of the Return to Work Discussion

- To ensure that an employee who has been unwell is fit enough to return to work
- To consider any necessary support for the employee
- To update individuals who have been absent on relevant work issues
- To deter casual absences

Preparing for the Return to Work Discussion

- Organise a quiet, private place to hold the discussion as soon as possible after the employee's return to work.
- Ask the employee to complete the self-certificate form prior to the meeting.
- Get an up-to-date record of the employee's attendance and (if there are concerns) establish how this compares with other staff.
- If you already know the background to the employee's most recent absence(s) and believe that there are ways in which the school/college could offer support, you may want to explore these before the return to work discussion.

Conducting the Return to Work Discussion

- Confirm to the employee the purpose of the discussion (i.e. to discuss the absence(s), to ensure that support is provided where necessary and to update the employee) and that it is part of the school's/college's normal arrangements for managing attendance.
- Explain that the meeting is informal but you will complete a return-to-work form which the employee may see and have a copy of.
- Review the self-certificate form (and/or medical certificates, as appropriate), confirming with the individual the nature of the illness and whether he/she sought any medical input. Avoid asking unnecessarily intrusive medical questions.
- If the employee is uncomfortable discussing the medical background, confirm that he/she can choose to discuss this with another person and agree an alternative option (e.g. another line manager, HR person, occupational health adviser).
- Ascertain whether the employee feels well enough to be at work and whether any additional support needs to be provided.
- If the employee indicates that there could be underlying reasons contributing to the absence (or other recent absences) encourage the employee to discuss these.
- If the employee has been given a 'fit note' stating that the individual 'may be fit for work' depending on certain adjustments, discuss whether these can be accommodated.
- Place the absence in the context of previous absences, discussing any concerns about the frequency or pattern of the employee's absences, including the impact these have had.
- Discuss and agree any action points for follow-up.

After the Return to Work Discussion

- Ensure that the return to work form is completed, a copy given to the employee and a copy placed on the employee's personnel file.
- If any actions have been discussed and agreed or other issues have emerged, arrange a follow-up meeting.

APPENDIX 2: Return to work interview form

Part A: To be completed by employee upon his/her return to work following sickness absence			
Full Name			
Date you first became unfit for work (including weekends or non-working days)		Date of first absence from work	
Date you returned to work		Total number of working days' absence from work	
Reason for absence (please circle)	Compassionate Sickness Parental leave Suspension (paid)	Industrial injury / disease Special leave Suspension (unpaid)	Jury service Time off for dependants Unpaid leave
If reason is sickness, please enter the most relevant absence code (the relevant letter associated with your reason) below. Absence Code: _____	<p>A - Industrial Injury (<i>accident at work</i>) B - Blood (<i>anaemia, hypertension, leukaemia, phlebitis, varicose veins, thrombosis</i>) C - Chest (<i>asthma, bronchitis, cough, pleurisy, pneumonia, breathlessness, tuberculosis</i>) D - Digestive (<i>abdominal, rectal problems, appendicitis, dental, diabetes, hernia, vomiting, diarrhoea, colic, gall stones</i>) E - Ear, nose and throat (<i>Hay fever, laryngitis, tonsillitis, ear infections</i>) F - Flu and Cold (<i>fever, coughs</i>) G - Gynaecological (<i>endometriosis, hysterectomy, menstrual disorder</i>) H - Heart (<i>angina, heart attack, heart disorder</i>) J - Joints (<i>arthritis, rheumatism, sprain, fracture/break, gout, pain / swelling</i>) K - Back problems (<i>lumbago, sciatica, spinal problems, slipped disc</i>) L - Kidneys or urinary tract (<i>bladder, kidney stones, renal, urinary, cystitis</i>) N - Nervous system (<i>cerebral, nervous breakdown, blackouts, fainting, fatigue, insomnia, neuralgia, stroke, paralysis, migraine, headache</i>) S - Skin problems (<i>athletes foot, corn, dermatitis, eczema, impetigo, psoriasis, rash, bite</i>) T - Stress / Depression (<i>anxiety, acute stress reaction, addiction, bereavement</i>) W - Eyes (<i>blurred vision, cataract, conjunctivitis</i>) Z1 - Awaiting manager recording Z2 - Employee has declined to provide a reason Z3 - Pandemic (e.g. swine flu)</p>		
I have consulted my GP	YES	NO	
I have visited a hospital/clinic	YES	NO	
I have sought other medical advice (e.g. NHS Direct, pharmacist)	YES	NO	
Is this absence linked to a previous period of absence?	YES	NO	
Was your absence due to work-related causes, including an accident or injury at work? If yes, please provide details below.	YES	NO	
Any other comments:			
I confirm that the information I have provided is complete and accurate to the best of my knowledge and belief. I understand that deliberately providing false information may result in disciplinary action being taken against me.			

Signed		Date	
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Part B: To be completed by manager following discussion with employee

Manager's Full Name

Please confirm that the details provided by the employee in Part A are correct, to the best of your knowledge	YES	NO
Did the employee properly notify his/her absence (and submit medical certificates if relevant)?	YES	NO
Has a 'fit note' been submitted making recommendations as to a phased return or changes to hours or duties?	YES	NO
Has the employee indicated that factors at work may have caused or contributed to the absence?	YES	NO
Does this period of absence cause the absence trigger point to be exceeded?	YES	NO
Should a referral to occupational health be made at this stage?	YES	NO

In view of the above, and your discussion with the employee, please detail below any further action to be taken.

Any other comments:

I confirm that I have shown the contents of the above to the employee and offered him/her a copy. A copy will be placed on the employee's personnel file.

Signed		Date	
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